

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

DEBBIE NAVEJAS, as representative,)	
Of the Estate of ARMANDO NAVEJAS,)	
)	
Plaintiff,)	
)	
v.)	Cause No.: 3:22-CV-00225
)	
OFFICER S. JASO, SGT. SILVA,)	
And CITY OF EL PASO, TEXAS,)	
)	
Defendants.)	

**DEFENDANT CITY OF EL PASO, TEXAS'S ORIGINAL ANSWER IN
RESPONSE TO PLAINTIFF'S ORIGINAL COMPLAINT**

IN THE HONORABLE UNITED STATES DISTRICT COURT:

COMES NOW, the CITY OF EL PASO (hereinafter, "Defendant City") and by and through its undersigned attorney of record, and files this Answer in Response to Plaintiff's Original Complaint.

Pursuant to Federal Rules of Civil Procedure 8(b) and 15 (a)(3), the City responds to each of the specific averments in Plaintiff's Original Complaint as set forth below. To the extent that the City does not address a specific allegation made by Plaintiff, the City expressly denies that allegation.

ADMISSIONS AND DENIALS

With respect to the specific allegations contained in the numbered paragraphs in the Complaint, the City pleads as follows:

PRELIMINARY STATEMENT

1. Defendant City admits that the Plaintiff asserts claims pursuant to the statutory provisions set forth in Paragraph 1, but deny that Plaintiff is entitled to any relief under these provisions.
2. Defendant City denies the allegations in Paragraph 2.
3. Defendant City lacks knowledge or information to form a belief about the truth of the allegations in paragraph 3.

JURISDICTION AND VENUE

4. Defendant City admits that the Plaintiff asserts claims pursuant to the statutory provisions set forth in Paragraph 4, but deny that Plaintiff is entitled to any relief under these provisions.
5. Defendant City admits the El Paso Division of the Western District of Texas is the proper venue for the Plaintiffs alleged violations of federal law in Paragraph 5, but denies any other accusation or implication made in Paragraph 5.

PARTIES

6. Defendant City lacks knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 6.
7. Defendant City admits the allegations in Paragraph 7.
8. Defendant City admits that Defendants Officer S. Jaso and Sgt. Silva are individuals residing in El Paso County, Texas but denies the rest of the allegations in paragraph 8.
9. Defendant City lacks knowledge or information to form a belief about the truth of the remaining allegations in Paragraph 9.

CONDITIONS PRECEDENT – NOTICE OF CLAIM

10. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1 to 9 of the complaint.
11. Defendant City admits the allegations in Paragraph 11.

STATEMENT OF FACTS

12. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1 to 11 of the complaint.
13. Defendant City denies that excessive force was used, lacks knowledge or information to form a belief about the truth of the other allegations in Paragraph 13, and admits that Mr. Navejas was tazed during an altercation with police officers.
14. Defendant City denies the allegations in Paragraph 14.
15. Defendant City lacks knowledge or information to form a belief about the truth of the allegations in Paragraph 15.
16. Defendant City denies the allegations in Paragraph 16.
17. Defendant City lacks knowledge or information to form a belief about the truth of the allegations in Paragraph 17.

DAMAGES

18. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1-17.
19. Defendant City denies the allegations in Paragraph 19.

FIRST CAUSE OF ACTION
(42 U.S.C. Section 1983)

- 20. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1-19.
- 21. Defendant City denies the allegations in Paragraph 21.
- 22. Defendant City denies the allegations in Paragraph 22.
- 23. Defendant City denies the allegations in Paragraph 23

SECOND CAUSE OF ACTION
CONSPIRACY

- 24. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1-23.
- 25. Defendant City denies the allegations in Paragraph 25.
- 26. Defendant City denies the allegations in Paragraph 26.

THIRD CAUSE OF ACTION
NEGLIGENT HIRING, TRAINING AND RETENTION

- 27. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1-26.
- 28. Defendant City denies the allegations in Paragraph 28.
- 29. Defendant City denies the allegations in Paragraph 29.
- 30. Defendant City denies the allegations in Paragraph 30.
- 31. Defendant City denies the allegations in Paragraph 31.
- 32. Defendant City lacks knowledge or information to form a belief about the truth of the allegations in Paragraph 32.

FOURTH CAUSE OF ACTION
RESPONDEAT SUPERIOR

- 33. Defendant City repeats and realleges as if fully set forth herein its responses to the allegations in paragraphs 1-32.
- 34. Defendant City denies the allegations in Paragraph 34.
- 35. Defendant City denies the allegations in Paragraph 35.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant the City of El Paso, respectfully requests that all relief requested by Plaintiff be denied, and that Defendant recovers their costs, reasonable attorney's fees, and any additional relief to which they may be entitled in law or in equity.

Respectfully submitted,

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Date: August 29, 2022.

By: /S/ EVAN D. REED

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Attorneys for the City of El Paso, Texas

CERTIFICATE OF SERVICE

I hereby certify that on August 29, 2022 a true and correct copy of the foregoing was e-filed with the Clerk of this Court using the CM/ECF system and that a courtesy copy was forwarded to:

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/S/ EVAN D. REED
Evan D. Reed, Assistant City Attorney